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NEA FOR FRONT OFFICE, NSC FOR ABRAMS/DORAN/LOGERFO

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TAGS: PREL PGOV KWBG KPAL KDEM SCUL IS

SUBJECT: PALESTINIAN LEGAL SNAPSHOT: AL-AQSA GUNMEN IMPOSE
THEIR VERSION OF JUSTICE IN RAMALLAH COURT CASE

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d).

¶1. (C) Summary. In a case that underscores the precarious nature of the Palestinian Authority (PA) judicial system and the absence of law and order in Palestinian controlled areas, gunmen from the al-Aqsa Martyrs' Brigades last month intervened in a private homeowner dispute by imposing a solution contradicting previous court decisions. The gunmen intervened on behalf of the rival family involved in the legal dispute whose son, also an al-Aqsa member, is serving time in an Israeli jail. Palestinians familiar with the case reported that the presiding judge was left with no other choice than to comply with the demands put forth by the gunmen. End summary.

Homeowner Dispute in Ramallah

¶2. (C) According to information obtained by ConGen POL FSN Specialist, elements from the PA Police April 23 converged on the Ramallah home of Najah Abu Shamsiyah to execute a PA Magistrate Court decision ordering Abu Shamsiyah to vacate the premises. Abu Shamsiyah -- who had engaged in a protracted dispute with the former tenants over ownership of the property -- argued without success that previous PA court rulings had affirmed his ownership of the property. The police took Abu Shamsiyah into custody for obstructing the execution of the court order.

Enter al-Aqsa Gunmen

¶3. (C) According to Abu Shamsiyah's family, Ramallah-based members of the al-Aqsa Martyrs' Brigades played a central role in the property dispute. Al-Aqsa's intervention followed a request by the former tenant's son, a known al-Aqsa member who is serving a long prison sentence in an Israeli jail. The gunmen reportedly made threats against several judges and officials affiliated with the case, including Muhammad al-Horoob, Civil Police Colonel Mahmud Masalmeh -- who is responsible for implementing PA court rulings -- and Judge Talaat al-Tawil. One of the al-Aqsa gunmen, Fuad al-Roomi, contacted members of the Abu Shamsiyah family to explain that he had taken charge of the case, adding that financial compensation to the former tenants would resolve the matter. Al-Roomi also indicated that he would free Abu Shamsiyah from PA custody.

¶4. (C) In response, family members and friends decided to open direct negotiations with al-Roomi and several other al-Aqsa gunmen. (Note: Al-Roomi and his associates were allegedly involved in several notable attacks in Ramallah, including a shooting rampage in early 2005 that targeted

President Abbas' presidential office and several business establishments. The gunmen also conducted an attack on the PA Magistrate Court in Ramallah that resulted in the escape of an al-Aqsa gunman awaiting trial on murder charges for the 2004 killing a suspected Palestinian collaborator. End note.)

Al-Aqsa "Settles" the Case

¶5. (C) After three days of negotiations, Abu Shamsiyah's family agreed to compensate the former tenants in the amount of USD 15,000. The al-Aqsa gunmen then entered the Ramallah Magistrate Court to demand Abu Shamsiyah's release. Two al-Aqsa gunmen joined the Abu Shamsiyah family attorney in a private meeting with Judge Talaat al-Tawil prior to the judge ordering Abu Shamsiyah's release from custody. The judge also dropped all charges stemming from his April 23 arrest.

¶6. (C) Following his release, Abu Shamsiyah noted that had he known that al-Aqsa gunmen were "in charge" of the judicial system, he would have turned to them for help well before the former tenants had sought out their assistance. Although Abu Shamsiyah had in his possession court documents affirming his right to the residence, he said that he would now need a bank loan to repurchase the property. He questioned whether any of the USD 15,000 paid by his family to secure his release would actually go to the former tenants. "I want to save my children, my elderly parents, and myself the misfortune of facing gunmen known for their brutality, even with the added expense of re-buying the property," he said.

Comment

¶7. (C) The Abu Shamsiyah case is not unusual, and we provide its details as an on-the-ground snapshot of the types of daily challenges Palestinians face in their dealings with other Palestinians. The impunity with which the al-Aqsa gunmen operate in Ramallah -- one of the safer cities in the Palestinian areas now -- is an example of the breakdown of law and order faced by Palestinians on a day-to-day basis.

WALLES